IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No. 1103 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT
Versus
GAGJI UDAJI BARAD AND OTHERS

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Appearance :
MR HL JANI, ADDITIONAL PUBLIC PROSECUTOR for the Appellant
None for the opponents

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 23/02/2007

ORAL JUDGMENT

1. Present appeal is filed by the State of Gujarat through Public Prosecutor, High Court of Gujarat being aggrieved by judgment and order passed in Sessions Case No.166 of 1991 by the learned Additional Sessions Judge,

Mehsana dated 28.09.1994, whereby the learned Additional Sessions Judge was pleased to convict the opponents herein for offence under Section 325 read with Section 114 of the Indian Penal Code and was pleased to award 2 years S.I. The learned Additional Sessions Judge was pleased to order that they should be released on probation, on a bond of Rs.2,000/- (Rupees Two Thousand Only) and a surety of the like amount, as it was prayed by the learned Advocate for the accused that they should be granted benefits of Probation of Offenders Act, 1958.

2. Heard Mr.H.L.Jani, learned Additional Public Prosecutor appearing for the appellant – State.

3. No case is made out to interfere with the judgment and order passed by the learned Additional Sessions Judge.

The incident is that of 31.05.1990, Sessions Case was registered in the year 1991, it was decided in the year 1994, appeal was filed in the year 1994, which has come up for final hearing in the year 2007.

There is no material on record to point out that the conduct of the accused ever warranted cancellation of bonds on which they were ordered to be released. Similarly, there is no material to show that they were

involved in any criminal case thereafter.

4. In view of the aforesaid, having found no substance in this appeal, it is dismissed.

(RAVI R.TRIPATHI, J.)

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